

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
GREENVILLE DIVISON  
Civil Action No. 4:24-cv-00051-M-RN

CYNTHIA B. AVENS, )  
                        )  
Plaintiff,           )  
v.                    )  
FARIS C. DIXON, JR., District Attorney; ) DEFENDANT DIXON'S MOTION TO  
VIDENT/ECU HEALTH MEDICAL               ) DISMISS PLAINTIFF'S AMENDED  
CENTER DR. KAREN KELLY, Medical       ) COMPLAINT  
Examiner; JOHN/JANE DOE; JOHN/JANE )  
DOE; JOHN/JANE DOE,                    )  
                        )  
Defendants.           )

NOW COMES Defendant Faris C. Dixon, Jr., by and through the undersigned counsel, and hereby moves this Court pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure to dismiss this action. In support of this motion, DA Dixon relies on the legal authority and arguments set forth in the supporting brief being contemporaneously filed herewith.

Respectfully submitted, this the 2<sup>nd</sup> day of July, 2024.

JOSHUA H. STEIN  
Attorney General

/s/ Chris D. Agosto Carreiro  
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**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day electronically filed the **MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT DIXON'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT** using the CM/ECF system, which will send notification of such filing to all the counsel of record for the parties who participate in the CM/ECF system and addressed to the following individuals:

*Cynthia B. Avens  
303 Riverside Trl.  
Roanoke Rapids, NC 27870*

This the 2<sup>nd</sup> day of July, 2024.

/s/ Chris D. Agosto Carreiro  
Chris D. Agosto Carreiro  
Special Deputy Attorney General  
N.C. Department of Justice